IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 2ND MARCH 2007 / 11TH PHALGUNA 1928

WP(C).No. 26840 of 2006(T)

PETITIONER:

THE SECRETARY,
QUILON AUTOMOBILE EMPLOYEES CO-OPERATIVE SOCIETY LIMITED NO.Q 797,
KADAMBANAD, KOLLAM.

BY ADV. SRI.I.DINESH MENON

RESPONDENTS:
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1. **THE STATE TRANSPORT APPELLATE TRIBUNAL, ERNAKULAM.**

2. **THE SECRETARY, REGIONAL TRANSPORT AUTHORITY, KOLLAM.**

3. **THE REGIONAL TRANSPORT AUTHORITY, KOLLAM, REP. BY ITS SECRETARY.**

4. **M/S. MERCHANTILE CREDIT CORPORATION, THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SMT. M.K.PUSHPALATHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 26840/2006 T

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE TEMPORARY PERMIT VALID TILL 29/07/2006.

EXT.P2. COPY OF THE PROCEEDINGS OF RTA, KOLLAM DT. 29/5/06.

EXT.P3. COPY OF THE APPEAL MEMORANDUM IN MVAA 329/2006 DT. 29/7/2006.

EXT.P4. COPY OF THE JUDGMENT IN MVAA NO. 329/06 DT. 26/09/2005.

EXT.P5. COPY OF THE RC PARTICULARS OF THE VEHICLE KRU 6053.

EXT.P6. COPY OF THE RECEIPT DT. 30/4/95.

EXT.P7. COPY OF THE RECEIPT DT. 30/3/95.

EXT.P8. COPY OF THE RECEIPT DT. 30/12/94.

EXT.P9. COPY OF THE LETTER DT. 12/3/94.

True copy

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K.BALAKRISHNAN NAIR, J.

W.P.(C).No.26840 of 2006

Dated this the 2nd day of March, 2007

JUDGMENT

The petitioner purchased a vehicle KRU 6053 availing a loan from the 4th respondent. The said vehicle is now replaced by a later model vehicle KL-03/E 1733. The petitioner applied for renewal of the permit which was covered by a permit on the route Enathu-Kundara which was valid upto 18-7-2001. The said application was rejected by Ext.P2 decision of the R.T.A., Kollam dated 29-5-2006 on the ground that NOC from the financier is not produced for declaration under Section 51 (7). It is also found that the route bus is not in existence. The petitioner appealed. The appellate authority found that without the NOC from the financier or declaration under Section 51 (7), the permit could not be renewed. This writ petition is filed challenging Ext.P2 order of the R.T.A. and Ext.P4 judgment of the S.T.A.T. The petitioner submits it has issued notice to the financier. It is not responded. Therefore, the permit is liable to be renewed on the basis of the declaration under Section 51(7).

2. The respondents have filed a counter affidavit supporting the impugned orders.

3. Heard the learned counsel on both sides. Nobody appeared

for the financier. The main prayer of the petitioner is to allow it to produce the declaration under Section 51 (7). Since the financier is not interested, the petitioner is permitted to produce the declaration under Section 51 (7) before the R.T.A. The R.T.A. is directed to re-consider the claim of the petitioner for renewal of the permit uninfluenced by the stand taken by it in Ext.P2 or the judgment of the S.T.A.T.in Ext.P4. It is made clear that the NOC is not necessary if the petitioner produces a declaration after conforming the statutory requirements. But, whether the permit could be renewed or not for other reasons is not the subject matter of decision in this case. I am not expressing any opinion on them.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR, JUDGE.

MS